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CafePress Inc. formerly known as CafePress.com, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE DR. HUEY P. NEWTON
FOUNDATION, INC.,

Plaintiff,

vs.

CAFEPRESS INC.,

Defendant.

Case No. CV-11-04208-SI

**STIPULATION AND ~~PROPOSED~~
ORDER RE: EXTENDING THE
DEADLINE FOR ADR PROCESS**

1 Plaintiff The Dr. Huey P. Newton Foundation, Inc. ("Plaintiff") and
2 Defendant CafePress Inc. ("CafePress") hereby stipulate, subject to the Court's
3 approval, that the mediation set for this case pursuant to Civil L.R. 16-8 and ADR
4 L.R. 3-5 be extended four days beyond the 90-day deadline set forth in the Court's
5 Order of October 26, 2011. (*Docket No.* 50). The current 90-day deadline for the
6 parties to participate in an ADR session is January 23, 2012. The parties, all
7 counsel and the mediator have conferred and are available for mediation
8 commencing on January 26, 2012 and potentially continuing on the morning of
9 January 27, and ask that the Court extend the parties' deadline to hold an ADR
10 session until January 27, 2012 to accommodate such mediation.

11 As set forth in the accompanying Declaration of Shannon S. King, the parties
12 have good cause for stipulating to this short extension under ADR. L.R. 6-6 based
13 on the following:

14 1. The parties have scheduling conflicts that make holding a mediation
15 within the 90-day timeframe unfeasible.

16 2. The mediator selected to preside over the mediation is unavailable
17 from December 12, 2011 through January 9, 2012 for medical reasons.

18 3. The extension requested would enable the parties to hold the mediation
19 session only four days past the current 90 day deadline of January 23, 2012.

20 4. This is the first extension of time requested for the ADR process.

21 Both parties, all counsel and the mediator are available to participate in a
22 mediation on Thursday, January 26, 2012 and the morning of January 27, and plan
23 to hold such mediation on that date, subject to the Court's approval of this
24 stipulation. **THEREFORE, the parties stipulate and jointly request that the 90-**
25 **day deadline under ADR L.R. 6-4(b) set forth in the Court's order dated**
26 **October 26, 2011, be extended to January 27, 2012.**
27
28

1 Respectfully Submitted,
2 THE LAW OFFICE OF ROBERT J.
3 Dated: December 2, 2011 BERNSTEIN
4 By: /s/ Robert J. Bernstein
Robert J. Bernstein
5 Attorneys for Plaintiff
6 The Dr. Huey P. Newton Foundation, Inc.
7 Dated: December 2, 2011 MANATT PHELPS & PHILLIPS LLP
8 By: /s/ Shannon S. King
Shannon S. King
9 Attorneys for Defendant
10 CafePress Inc. formerly known as
CafePress.com, Inc.

11 *Pursuant to General Order No. 45, Section X(B), Shannon S. King hereby attests*
12 *that concurrence in the filing of this document has been obtained from Robert J.*
13 *Bernstein.*

14
15
16 **[PROPOSED] ORDER**

17 PURSUANT TO STIPULATION, IT IS SO ORDERED that the deadline for
18
19 commencing the mediation under ADR L.R. 6-4(b) is hereby continued from
20 January 23, 2011, to January 27, 2012.

21
22 Dated: 12/6/11



23 _____
24 Honorable Susan Illston
25 U.S. District Court Judge
26
27
28

DECLARATION OF SHANNON S. KING IN SUPPORT OF STIPULATION

I, Shannon. S. King, declare as follows:

1. I am an attorney-at-law, a member in good standing of the State Bar of California, and an associate at the law firm of Manatt, Phelps & Phillips, LLP, counsel of record for defendant CafePress Inc. formerly known as CafePress.com, Inc. ("CafePress"). I have personal knowledge of the matters set forth in this Declaration and if called upon to testify, I could and would testify competently thereto. This Declaration is submitted in support of the stipulation to extend the deadline for ADR process.

2. The parties in this litigation have scheduling conflicts that make holding a mediation within the 90-day timeframe set forth in the Court's Order of October 26, 2011, unfeasible.

3. On information and belief, the mediator selected to preside over the mediation is unavailable from December 12, 2011 through January 9, 2012 for medical reasons.

4. The extension requested would enable the parties to hold the mediation session on January 26-27, 2011, only four days past the current 90 day deadline of January 23, 2012.

5. This is the first extension of time requested for the ADR process.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct. Executed this 2nd day of December, 2011 at San Francisco, California.

/s/Shannon S. King
Shannon S. King

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